

1 A bill to be entitled

2 An act relating to gasoline stations; creating s. 526.143,
3 F.S.; requiring each retail gasoline station that is newly
4 constructed or substantially renovated on or after a
5 specified date to be equipped with a backup power system
6 or alternative pumping system so that the station's fuel
7 pumps may be operated in the event of a power outage;
8 providing that the act applies to a gasoline station that
9 is located on the grounds of, or owned by, another retail
10 establishment; providing certain exceptions; providing a
11 penalty; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Section 526.143, Florida Statutes, is created
16 to read:

17 526.143 Backup power or pumping system required for
18 certain gasoline stations.--

19 (1) Each retail gasoline station that offers motor fuel
20 for sale to the public must be equipped with a backup power
21 system or other alternative pumping system so that the station's
22 fuel pumps may be operated in the event of a power outage. The
23 backup power system or other alternative pumping system must be
24 maintained and kept fully operational at all times. This
25 subsection applies to any retail gasoline station that is newly
26 constructed, or substantially renovated, and for which a
27 certificate of occupancy is issued on or after July 1, 2006. As
28 used in this subsection, the term "substantially renovated"

HB 319

2006

29 means a renovation that resulted in an increase in the assessed
30 value of the retail gasoline station of greater than 50 percent.

31 (2)(a) Subsection (1) applies to any self-service gasoline
32 station or full-service gasoline station regardless of whether
33 the gasoline station is located on the grounds of, or is owned
34 by, another retail business establishment that does not engage
35 in the business of selling motor fuel.

36 (b) Subsection (1) does not apply to:

37 1. An automobile dealer;

38 2. A person who operates a fleet of motor vehicles; or

39 3. A person who sells motor fuel exclusively to a fleet of
40 motor vehicles.

41 (3) A violation of subsection (1) is a misdemeanor of the
42 second degree, punishable as provided in s. 775.082 or s.
43 775.083.

44 Section 2. This act shall take effect July 1, 2006.

Florida Senate - 2006

SB 2386

By Senator Wilson

33-661A-06

1 A bill to be entitled
2 An act relating to alternative power supplies
3 for retail gasoline stations; creating s.
4 526.155, F.S.; requiring that each retail
5 gasoline station be equipped with an
6 alternative generator power source in order
7 that the station may operate its fuel pumping
8 system during a power outage caused by a major
9 disaster; requiring that the alternative
10 generator system be installed by an electrician
11 licensed in this state; providing that the act
12 applies to all self-service and full-service
13 retail gasoline stations; providing exceptions;
14 requiring the Division of Emergency Management
15 in the Department of Community Affairs to
16 produce by a certain date an inventory of the
17 locations of power generators capable of use
18 during a major disaster; requiring the division
19 to implement a program to lease power
20 generators following a major disaster to ensure
21 that retail gasoline stations have an
22 alternative generator power source to supply
23 gasoline to the retail public until the
24 electrical transmission system is restored;
25 authorizing the division to adopt rules to
26 administer the generator-leasing program;
27 preempting to the state the regulation, siting,
28 and placement of alternate power source
29 capabilities and equipment at a motor fuel
30 terminal facility, wholesaler, or retail sales
31 outlet; providing an effective date.

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CODING: Words ~~striken~~ are deletions; words underlined are additions.

Florida Senate - 2006
33-661A-06

SB 2386

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 526.155, Florida Statutes, is
4 created to read:

5 526.155 Gasoline supplies following a disaster.--
6 (1) Each retail gasoline station that offers motor
7 fuel to the public must be prewired with an appropriate
8 transfer switch and capable of using an alternative generator
9 power source for supplying power to the gasoline station,
10 including power to the gasoline pumping system, whenever there
11 is a disruption in the power supply due to a major disaster as
12 defined in s. 252.34. The components necessary to operate the
13 alternative generator power system at a retail gasoline
14 station must be installed by an electrician licensed in this
15 state.

16 (2)(a) Subsection (1) applies to any self-service or
17 full-service gasoline station. This section applies to a
18 retail gasoline station that is located on the grounds of, or
19 is owned by, another retail establishment that does not engage
20 in the business of selling motor fuel.

21 (b) Subsection (1) does not apply to an automobile
22 dealer, a person who operates a fleet of motor vehicles, or a
23 person who sells motor fuels exclusively to a fleet of motor
24 vehicles.

25 Section 2. (1) By January 1, 2007, the Division of
26 Emergency Management in the Department of Community Affairs
27 shall complete an inventory of the locations of power
28 generators capable of operation during a major disaster. The
29 inventory must identify, at a minimum, the location of each
30 generator, the number of generators stored at each specific
31 location, to whom the generators belong, whether the owner of

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Florida Senate - 2006
33-661A-06

SB 2386

1 the generator is a private enterprise or a governmental
2 entity, the primary purpose of the generator storage, and the
3 names, addresses, and telephone numbers of persons having
4 authority to release the stored generators to the Division of
5 Emergency Management or to others.

6 (2) By July 1, 2007, the Division of Emergency
7 Management shall implement a program to lease power generators
8 to retail gasoline stations following a major disaster. The
9 purpose of the leasing program is to ensure that retail

10 gasoline stations have an alternative generator power source
11 to supply gasoline to the retail public until the electrical
12 transmission system is restored. The division shall cooperate
13 with private enterprise and governmental entities in locating
14 available generators, establishing procedures by which the
15 owners of generators can lease the generators to retail
16 gasoline stations, setting fee schedules for leasing
17 generators, and developing transportation capacity to deliver
18 the generators to the area in need of power generation.

19 (3) The division may adopt rules to administer the
20 generator-leasing system.

21 Section 3. Regulation of alternate power supplies;
22 preemption by the state.--Notwithstanding any other law or
23 local ordinance, and in order to ensure an appropriate
24 emergency management response to a major disaster in this
25 state, the regulation, requirements for siting, and placement
26 of alternate power source capabilities and equipment at a
27 motor fuel terminal facility, wholesaler, or retail sales
28 outlet are preempted to the state.

29 Section 4. This act shall take effect July 1, 2006.

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Florida Senate - 2006
33-661A-06

SB 2386

1 *****

2 SENATE SUMMARY

3 Requires that each retail gasoline station be equipped
4 with an alternative generator power source to operate its
5 fuel pumping system during a power outage caused by a
6 major disaster. Requires the alternative generator system
7 to be installed by an electrician licensed in this state.
8 Requires the Division of Emergency Management in the
9 Department of Community Affairs to produce an inventory
10 of the location of power generators capable of use during
11 a major disaster. Requires the division to implement a
12 program to lease power generators after the cessation of
13 a major disaster to ensure that retail gasoline stations
14 have an alternative generator power source to supply
15 gasoline to the retail public until the electrical
16 transmission system is restored in the damaged area.
Preempts to the state the regulation, siting, and
placement of alternate power source capabilities and
equipment at a motor fuel terminal facility, wholesaler,
or retail sales outlet.

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ORDINANCE NO. 2006 -

AN ORDINANCE OF THE CITY OF HALLANDALE
BEACH, FLORIDA, AMENDING CHAPTER 8 OF THE
CITY OF HALLANDALE BEACH CODE OF
ORDINANCES BY AMENDING ARTICLE IV.
CONDOMINIUMS SUBSECTION 8-113 RELATING TO
EMERGENCY GENERATORS REQUIRED FOR
ELEVATORS WITHIN RESIDENTIAL MULTIFAMILY
DWELLINGS, INCLUDING CONDOMINIUMS, AND
REQUIRING EMERGENCY OPERATIONS PLANS

WHEREAS, broad home rule powers have been conferred upon municipalities through the enactment of Chapter 166 of the Florida Statutes, the Municipal Home Rule Powers Act, which implements the provisions of Section 2(b), Article VIII, of the State Constitution; and

WHEREAS, pursuant to sec. 166.021(1), Florida Statutes, municipalities "have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law." ; and

WHEREAS, a municipal purpose is defined in sec. 166.021(2), Florida Statutes to mean "any activity or power which may be exercised by the state or its political subdivisions." ; and

WHEREAS, there exists a need within certain multifamily residential dwellings, including condominiums buildings, to ensure that at least one elevator is supported by a working electrical generator during times when electricity is lost; and

WHEREAS, the City Commission of the City of Hallandale Beach desires to ensure there are adequate safety measures within multifamily residential dwellings, including condominiums, to ensure citizens requiring the use of an elevator to escape a building in case of a natural disaster or other emergency situation are available; and

WHEREAS, condominiums should have emergency operations plans to deal with natural disasters or other emergency situations.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF HALLANDALE BEACH, FLORIDA, AS FOLLOWS:

Section 1. Section 8-113 of the City of Hallandale Beach Code of Ordinances is created amending Chapter 8, Article IV. Condominiums to read as follows:

Sec. 8-113 Emergency generator and emergency operations plans required.

(a) Any person, firm, or corporation owning or operating residential multifamily dwellings of 75 feet or less, including condominiums within the city, containing an elevator shall be required to provide the building with a generator on the premises. The purpose of such a generator is to provide emergency power for the operation of at least one elevator giving all residents daily access for a number of hours each day over a seventy two hour period following the event of a disruption of the regular supply of electricity in the case of a natural disaster or other emergency or other civil disturbance, when the normal supply of electricity furnished is interrupted. All residential multifamily dwellings of 75 feet or more, including condominiums, containing an elevator that do not have a generator to satisfy this paragraph, shall be required to provide the building with a generator on the premises.

(b) All such emergency generators shall be connected on the line side of the main disconnect to at least one elevator on the premises. In addition, emergency generators in the absence of a battery backup, shall be sufficient to provide emergency lighting for a number of hours each day over a the seventy two hour period following the event of a disruption of the regular supply of electricity to the lobbies, hallways, and other portions of the building used by the public. Such emergency generators shall also provide sufficient water pressure for domestic use for a number of hours each day over the seventy two hour period.

(c) Written emergency operations plans which detail sequence of operations before, during and after a natural disaster or other emergency situations shall include at a minimum, a life safety plan for evacuation, maintenance of the lighting supply, the water pressure, the electrical supply to the elevators, and provide for the health, safety and welfare of the residents, and is to include in such plans the contingency that the building may be rendered unsafe for occupancy. A logbook containing a listing of quarterly inspections to ensure the generator is in good and working condition, as well as the written emergency operations plan, shall be maintained on the premises. The logbook and written emergency operations plans, shall be open for periodic regular inspections by the City, the cost of which inspections shall be provided in accordance with a fee schedule established by the City. The City shall conduct inspections at least once per year. In addition, for emergency purposes, any person, firm, or corporation operating residential multifamily dwellings, including condominiums, shall have a generator key located in a lock box posted at or near the generator.

(d) Compliance with the requirements above shall be required on all new construction within the city. All existing residential multifamily dwellings, including condominiums, shall be required to comply with the provisions of ~~this~~ the section concerning emergency operations plans by June 1, 2006. Compliance with the remainder of the Ordinance shall be required within three (3) years of the adoption.

(e) Failure to comply with this ordinance shall subject residential multifamily dwellings, including condominium owners and/or associations to the penalties prescribed in section 162.22 of the Florida Statutes, as well as Code Enforcement pursuant to Chapter 9 of the City's Code of ordinances

Section 2. Severability. If any word, clause, phrase, sentence, paragraph, or section of this Ordinance is held to be invalid by a Court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph, or section of this Ordinance.

Section 3. This Ordinance shall take affect immediately upon adoption.

PASSED AND ADOPTED by the City of Hallandale Beach, Florida this _____ day of _____, 2006

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

ORDINANCE NO. 2006-

AN ORDINANCE OF THE CITY OF HALLANDALE
BEACH, FLORIDA, MANDATING THAT GAS
STATIONS WITHIN THE CITY OF HALLANDALE
BEACH HAVE ADEQUATE ALTERNATIVE
ENERGY SOURCES FOLLOWING A STATE OF
EMERGENCY

WHEREAS, broad home rule powers have been conferred upon municipalities through the enactment of Chapter 166 of the Florida Statutes, the Municipal Home Rule Powers Act, which implements the provisions of Section 2(b), Article VIII, of the State Constitution; and

WHEREAS, pursuant to sec. 166.021(1), Florida Statutes, municipalities "have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law." ; and

WHEREAS, a municipal purpose is defined in sec. 166.021(2), Florida Statutes to mean "any activity or power which may be exercised by the state or its political subdivisions"; and

WHEREAS, gasoline stations that sell gasoline to consumers at retail, did not have alternative power sources for operations following Hurricane Wilma, thereby negatively exacerbating the state of emergency created, and thereby unnecessarily endangering the public health, safety, and welfare; and

WHEREAS, to protect the public health, safety and welfare, and to ameliorate the dire emergencies created by gasoline stations not having alternative energy sources to sustain operations following the cessation of a natural disaster or other emergency; and

WHEREAS, to protect against future disasters and/or events that lead to a state of emergency, and the concomitant problems associated with the lack of alternative energy sources to sustain operations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

Section 1. Chapter 7, Businesses, Article VIII. Gasoline Retail Outlets, is amended by creating Section 7-314 to read as follows:

45 **(a) Requirement for Emergency Generators:**

46
47 Gasoline stations that sell gasoline at retail to consumers from gas pumps at their
48 stations, within the City, shall have as a minimum an alternative energy source, a
49 generator connection/hookup, that is capable of providing electrical service
50 during an interruption of the normal electrical supply, sufficient to power up the
51 gasoline pumps so that gasoline can be sold to the consumer.
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53 **(b) Compliance:**

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55 Gasoline stations shall comply with this ordinance within three (3) years from
56 adoption.
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58 **(c) Sanctions:**

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60 Failure to comply with this ordinance shall subject gas station owners and operators
61 to the penalties prescribed in section 162.22 of the Florida Statutes, as well as Code
62 Enforcement pursuant to Chapter 9 of the City's Code of ordinances.
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64 **Section 2.** This ordinance shall take effect immediately upon adoption.
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66 PASSED AND ADOPTED on first reading _____.

67 PASSED AND ADOPTED on second reading _____.

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73 ATTEST:

MAYOR-COMMISSIONER

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78 CITY CLERK
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